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Attorney for Defendant Viking Collection Service Southwest, Inc.

Honorable Michael R. Hogan

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARY DORMAN,	Case No.: 04-6308-HO
vs.	ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS OF DEFENDANT VIKING COLLECTION SERVICE SOUTHWEST, INC.
COLLECTCORP CORPORATION and VIKING COLLECTION SERVICE SOUTHWEST, INCORPORATED, Defendants.	

COMES NOW Defendant Viking Collection Service Southwest, Inc. ("Viking"), without waiving any objections, rights, and defenses relating to jurisdiction and process, hereby answers Plaintiff's complaint as follows:

I. ANSWER

1.1 Viking admits this is an action brought for violations of the Fair Debt Collection Practices Act, 15 USC § 1692 et seq (FDCPA), and denies the remaining allegations contained in Paragraph 1 of Plaintiff's Complaint.

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VIKING COLLECTION SERVICE SOUTHWEST, INC.

1.2 Viking admits that jurisdiction for the FDCPA claim arises under 15 U.S.C. §1692, et seq. Except as so admitted, and based on lack of information, Viking denies the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

1.3 Viking admits Paragraph 3 of Plaintiff's Complaint.

1.4 Viking admits that CollectCorp Corporation's (Collect) principal place of business is located in Williamsville, New York, and from time to time, it has collected debts owed by Oregon residents, and denies the remaining allegations contained in Paragraph 4 of Plaintiff's Complaint.

1.5 Viking admits it is an Arizona corporation with its principal place of business located in Phoenix, Arizona, and from time to time, it has collected debts owed by Oregon residents, and denies the remaining allegations contained in Paragraph 5 of Plaintiff's Complaint.

1.6 Viking admits that Collect and Viking from time to time engages in the collection of debts using the mail and telephone, and lacks sufficient information to determine the truth or falsity of whether Collect, or Viking is a "debt collector" as defined by the FDCPA, and denies the remaining allegations contained in Paragraph 6 of Plaintiff's Complaint.

1.7 Admits that Collect has communicated with plaintiff to collect obligations due by plaintiff, and one or more of its Assignors, and denies the remaining allegations contained in Paragraph 7 of Plaintiff's Complaint.

1.8 Admits that Viking has communicated with plaintiff to collect obligations due by plaintiff, and one or more of its Assignors, and denies the remaining allegations contained in Paragraph 8 of Plaintiff's Complaint.

1.9 Viking denies Paragraph 9 of Plaintiff's Complaint.

1.10 Viking denies Paragraph 10 of Plaintiff's Complaint.

1.11 Viking denies Paragraph 11 of Plaintiff's Complaint.

1.12 Viking denies Paragraph 12 of Plaintiff's Complaint.

1.13 Viking denies Paragraph 13 of Plaintiff's Complaint.

- 1.14 Viking denies Paragraph 14 of Plaintiff's Complaint.
- 1.15 Except as so admitted, Viking denies each and every allegation in Plaintiff's Complaint.

II. AFFIRMATIVE DEFENSES

Having answered Plaintiff's complaint, the Viking alleges the following affirmative defenses.

- 2.1 **Failure to State Claims.**
- 2.2 **Accord and Satisfaction.**
- 2.3 **Compromise and Settlement.**
- 2.4 **Statute of Limitations.**
- 2.5 **Bona Fide Error.** Without admitting any violation, if any violation of the Fair Debt Collection Practices Act occurred, it was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

III. COUNTERCLAIMS

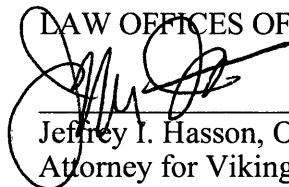
- 3.1 **Attorney Fees:** This Action has been commenced in bad faith and for the purpose of harassment such that Viking is entitled to its reasonable attorney fees by reason of 15 USC § 1692k.

IV. PRAYER

Wherefore having fully answered Plaintiff's complaint, having interposed affirmative defenses and counterclaims, the Viking prays for the following relief:

- 4.1 Dismissal of the Action with prejudice, and with costs and attorney fees to Viking.
- 4.2 For such other and further relief as may be provided by law.

Dated this 23 day of September, 2004.

LAW OFFICES OF JEFFREY I. HASSON

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Attorney for Viking

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MARY DORMAN,

Plaintiff,

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COLLECTCORP CORPORATION and
VIKING COLLECTION SERVICE
SOUTHWEST, INCORPORATED,

Defendants.

Case No.: 04-6308-HO

DECLARATION OF MAILING OF ANSWER,
AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS OF DEFENDANT
VIKING COLLECTION SERVICE
SOUTHWEST, INC.

STATE OF OREGON)
)
County of Multnomah)

The undersigned makes this Declaration on Defendant VIKING COLLECTION
SERVICE SOUTHWEST, INC. ("Viking")'s behalf.

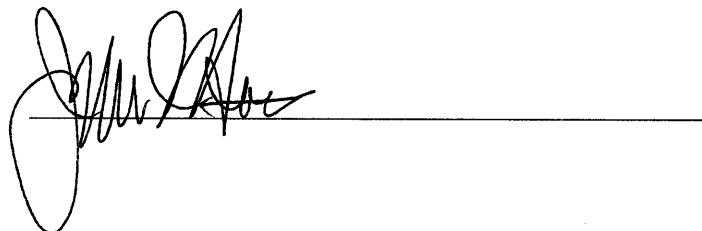
I certify that I mailed a copy of the foregoing Answer, Affirmative Defenses and
Counterclaims of Viking Collection Service Southwest, Inc. to Keith D. Karnes, Attorney at

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COUNTERCLAIMS OF DEFENDANT VIKING COLLECTION SERVICE
SOUTHWEST, INC.

Law, 1599 State St., PO Box 12829, Salem, OR 97309-0829, postage prepaid, on September 23, 2004.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Dated this 23 day of September, 2004 at Portland, Oregon.

A handwritten signature in black ink, appearing to read "John D. Law", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left and more vertical strokes on the right.

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COUNTERCLAIMS OF DEFENDANT VIKING COLLECTION SERVICE
SOUTHWEST, INC.